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SCHIFF HARDIN & WAITE
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6600 Sears Tower
233 South Wacker Drive
Chicago, IL 60606

EXAMINER

PIZIALI, JEFFREY J

ART UNIT	PAPER NUMBER
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2629

MAIL DATE	DELIVERY MODE
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09/28/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/725,299	Applicant(s) BECK ET AL.	
	Examiner JEFF PIZIALI	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on *14 July 2009* has been entered.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102 / 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. *Claims 2 and 10-14* are rejected under 35 U.S.C. 102(e) as anticipated by ***Nokita (US 6,795,528 B2)***; or, in the alternative, under 35 U.S.C. 103(a) as obvious over ***Nokita (US 6,795,528 B2)*** in view of ***Lemelson et al (US 6,847,336 B1)***.

Please note that claim order has been altered to reflect claim dependencies.

Regarding claim 10, ***Nokita*** discloses an operating device [*Fig. 1*] for a medical diagnostic imaging unit [*Fig. 1; x-ray sensor 140 used in diagnosis in medical practice*] (see *Column 3, Line 50 - Column 4, Line 53*), said operating device comprising:

a display screen [*Fig. 1, image display unit 200; Figs. 8ABC, LCD touch panel 810*];

a control unit [*Fig. 1; imaging controller 180, image processor 190*] configured to operate said display screen to enter, in a current value-entering session, at least one examination

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value [Figs. 8AB; 835 -- e.g., *imaging method parameters, standard imaging conditions, imaging region, etc.*] for implementing an examination by said medical diagnostic imaging unit;

said control unit being configured to operate said display screen, in said current-value entering session, in a programmed mode [Figs. 8AB] in which,

in an operating area [Figs. 8AB; 840] of the display screen, only a selection key field [Figs. 8AB; *touch panel depressible imaging method object display area buttons 840*] is displayed,

said selection key field being activatable to select at least one preset value [Figs. 8AB; *object information display area 830 and imaging method parameters 835 -- e.g., Examinee Name, ID: 1234577890; Front Cervical Vertebrae; Standing Position Sensor; Tube Voltage = 72kV; Tube Current = 170mA; Exposure Time = 50msec; Focal Length = 120cm*] that is preset prior to said current value entering session,

said at least one preset value being selected from the group consisting of
preset operating values of said medical diagnostic imaging unit and
preset parameter values of said medical diagnostic imaging unit [Figs. 8AB; *imaging method parameters 835 -- e.g., tube voltage, tube current, exposure time, focal length, etc.*];

said control unit being also configured to operate said display screen, in said current-value entering session, in a manual mode [Fig. 8C] in which,

in said operating area of said display screen, only a setting key field [Fig. 8C; *up and down buttons*] is displayed,

said setting key field being activatable to selectively set at least one settable value [Figs. 8AB; *imaging method parameters 835 & overlay window -- e.g., Tube Voltage = 72kV; Tube*

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Current = 170mA; Exposure Time = 18msec; Focal Length = 50cm] selected from the group consisting of

settable operating values of said medical diagnostic imaging unit and

settable parameters of said medical diagnostic imaging unit [*e.g., Fig. 8C; imaging method parameters 835 & overlay window -- e.g., tube voltage, tube current, exposure time, focal length, etc.*];

said control unit being configured to display, in said current-value entering session, in a display area [*Figs. 8ABC; at least a portion of image display area 825, object information display area 830, at least a portion of parameter display area 835*] of said display screen that does not overlap said operating area,

display elements [*Figs. 8ABC; 830, 825, 835 -- e.g., Examinee Name, ID: 1234577890; Front Cervical Vertebrae; Standing Position Sensor; Tube Voltage = 72kV*] respectively representing said at least one preset value and said at least one settable value;

said control unit being configured to display, in said current-value entering session, at said display screen,

a mode selection field [*Figs. 8AB, 850; Fig. 8C, CANCEL, OK buttons*] that is activatable to select, as a selected mode, only one of either

said manual mode or

said programmed mode;

said control unit being configured, in said current-value entering session, to initially maintain all of said display area unchanged and visually unobstructed (*see Figs. 8ABC; wherein at least the Examinee Name, ID: 1234577890; Front Cervical Vertebrae; Standing Position*

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Sensor; 72kV tube voltage remains unchanged and visually unobstructed going from Figs. 8AB to 8C)

with said preset value or said settable value displayed only once and only in said display area (*wherein the portion of **Nokita's** parameter modification window [overlaid window in Fig. 8C] including tube voltage, tube current, exposure time, focal length, etc. is not considered part of "said display area"*),

when switching between said manual mode and said programmed mode by activation of said mode selection field,

until said selection key field or said setting key field in the selected mode is activated after said switching; and

said control unit being configured to display, in said current-value entering session at said display screen,

a trigger key [*Figs. 8AB, 850; Fig. 8C, CANCEL button*] that, when activated, emits a current content of said display area, as said at least one examination value, as an output available to said medical diagnostic imaging unit (*see the entire document, including Column 10, Line 3 - Column 11, Line 9*).

Should it be shown that **Nokita** neglects teaching, with sufficient specificity, initially maintaining all of said display area unchanged and visually unobstructed, when switching between said manual mode and said programmed mode:

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Lemelson discloses a graphical user interface [Fig. 7C] for displaying x-ray images [Fig. 7C: 94, 96] alongside operating device parameter values [Fig. 7C: 98] (*see Column 17, Line 55 - Column 18, Line 12*).

Moreover, **Lemelson** discloses the GUI technique of resizing (*as well as tiling, cascading, selecting, hiding, rearranging, and adjusting the transparency of*) windows containing medical x-ray data was well known and commonly understood by those skilled in the art at the time of invention (*referring to such techniques as "well known programming techniques from the Macintosh or Windows 95 operating systems"*).

Nokita and **Lemelson** are analogous art, because they are from the shared inventive field of operating devices and graphical user interfaces for medical diagnostic imaging units.

Therefore, it would have been obvious to one having ordinary skill in the art to use **Lemelson's** resizing window technique to move and/or resize **Nokita's** parameter modification window [*overlaid window in Fig. 8C*] such that **Nokita's** window would only be big enough to overlay/cover the touch panel depressible imaging method object display area buttons [Figs. 8AB; 840], leaving display area [Figs. 8ABC; 825, 830, 835, 875] completely visible -- so as to provide the user with greater flexibility in controlling how much data can be displayed at any given time; and so as to emphasize, stress, and/or bring attention to the at least one preset value for the user's benefit.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of invention because all the claimed elements were known in the prior art and one skilled in the art could have combined **Lemelson's** resizing/moving window technique with **Nokita's** parameter modification window by known methods with no change in their respective functions, and the

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combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

See *KSR International Co. v. Teleflex Inc., et al.*, Docket No. 04-1350 (U.S. 30 April 2007).

Regarding claim 2, **Nokita** discloses the operating device is designed as a touch-sensitive display screen [*Figs. 8ABC, LCD touch panel 810*] (*see Column 10, Line 3 - Column 11, Line 9*).

Regarding claim 11, **Nokita** discloses said control unit is configured to display said display elements as text elements [*Figs. 8ABC; tube voltage, tube current, exposure time, focal length, examinee name, ID number, front cervical vertebrae, etc.*] (*see Column 10, Line 3 - Column 11, Line 9*).

Regarding claim 12, **Nokita** discloses said control unit is configured to display said display elements as graphics elements [*Figs. 8ABC; tube voltage, tube current, exposure time, focal length, examinee name, ID number, front cervical vertebrae, vertebrae graphics, etc.*] (*see Column 10, Line 3 - Column 11, Line 9*).

Regarding claim 13, **Nokita** discloses said control unit is configured to display said trigger key at said display screen in each of said manual mode and said programmed mode (*see Column 10, Line 3 - Column 11, Line 9*).

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Regarding claim 14, **Nokita** discloses said medical diagnostic imaging unit is an x-ray examination unit, and wherein

said control unit is configured to display, in said selection key field,

a plurality of selection keys [*Figs. 8AB; touch panel depressible imaging method object display area buttons 840*] each associated with one anatomical x-ray examination in a plurality of anatomical x-ray examinations [*Figs. 8AB; FRONT, CROSS-SECTION, SIDE, LEFT BACK AT A TILT ANGLE*],

each selection key allowing a user to select said at least one preset value for the anatomical x-ray examination associated with that selection key, and

to display, in said selection key field, a plurality of different setting keys [*Figs. 8AB; FRONT, CROSS-SECTION, SIDE, LEFT BACK AT A TILT ANGLE buttons*] that respectively allow manual setting of said at least one settable value for a component of said x-ray examination unit (*see Column 10, Line 3 - Column 11, Line 9*).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. *Claim 14* is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

Claim 14 contains subject matter (e.g., lines 8-10): "***display, in said selection key field, a plurality of different setting keys that respectively allow manual setting of said at least one***

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settable value") which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

9. *Claim 14* is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

Claim 14 contains subject matter (e.g., lines 8-10): "***display, in said selection key field, a plurality of different setting keys that respectively allow manual setting of said at least one settable value"***) which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 14 recites, "*said medical diagnostic imaging unit is an x-ray examination unit, and wherein said control unit is configured to display, in said selection key field, a plurality of selection keys each associated with one anatomical x-ray examination in a plurality of anatomical x-ray examinations, each selection key allowing a user to select said at least one preset value for the anatomical x-ray examination associated with that selection key, and to display, in said selection key field, a plurality of different setting keys that respectively allow manual setting of said at least one settable value for a component of said x-ray examination unit.*"

In contrast, the instant specification states, "*At the same time, it is only the operating elements 14, 15, 16 required to activate preset values that are made available, and so an*

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operator is not confused by further, unnecessary keys for manual activation of values. Manual activation of the values is seldom required in routine operation of the X-ray machine 1, and so operating elements for manual setting are not required" (see Page 7, Paragraph 27).

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. *Claims 2 and 10-14* are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. Claim 10 recites the limitation "***said preset value***" (*in line 33*). There is insufficient antecedent basis for this limitation in the claim.

It would be unclear to one having ordinary skill in the art whether this limitation is intended to be identical to, comprise a part of, or be distinct from the earlier claimed "***at least one preset value***" (*in lines 10-11*).

13. Claim 10 recites the limitation "***said settable value***" (*in line 33*). There is insufficient antecedent basis for this limitation in the claim.

It would be unclear to one having ordinary skill in the art whether this limitation is intended to be identical to, comprise a part of, or be distinct from the earlier claimed "***at least one settable value***" (*in lines 19-20*).

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14. Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

An omitted structural cooperative relationship results from the claimed subject matter:

"display, in said selection key field, a plurality of different setting keys that respectively allow manual setting of said at least one settable value for a component of said x-ray examination unit" (in dependent claim 14, lines 8-10) and

"in an operating area of the display screen, only a selection key field is displayed, said selection key field being activatable to select at least one preset value that is preset prior to said current value entering session, said at least one preset value being selected from the group consisting of preset operating values of said medical diagnostic imaging unit and preset parameter values of said medical diagnostic imaging unit" (in independent claim 10, lines 8-15). For example:

It would be unclear to one having ordinary skill in the art whether the instantly claimed invention is limited to only displaying (in the programmed mode) a selection key field that is activatable to select preset values; or rather whether manual setting of settable values is also possible in the programmed mode.

15. The remaining claims are rejected under 35 U.S.C. 112, second paragraph, as being dependent upon rejected base claims.

16. The claims are rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

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As a courtesy to the Applicant, the examiner has attempted to also make rejections over prior art -- based on the examiner's best guess interpretations of the invention that the Applicant is intending to claim.

However, the indefinite nature of the claimed subject matter naturally hinders the Office's ability to search and examine the application.

Any instantly distinguishing features and subject matter that the Applicant considers to be absent from the cited prior art is more than likely a result of the indefinite nature of the claims.

The Applicant is respectfully requested to correct the indefinite nature of the claims, which should going forward result in a more precise search and examination.

Response to Arguments

17. Applicant's arguments filed *14 July 2009* have been fully considered but they are not persuasive.

The Applicant contends, "*From Figures 8A and 8B of Nokita, it is clear that a number of parameters 835 (72 kV, 170 mA, 50 msec, 120 cm) are shown. In Figure 8C of Nokita, however, only 72 kV remains (at least partially) visible. Therefore, Applicants submit that the Nokita reference does not disclose 'maintaining all of said display area unchanged and visually unobstructed' as required in claim 10*" (see Page 5). However, the examiner respectfully disagrees.

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Nokita's "display area" is defined as including all of "Examinee Name," all of "ID: 1234577890," at least a portion of "Front Cervical Vertebrae," at least a portion of "Standing Position Sensor"; at least a portion of "72kV"; and at least a portion of the graphical representation of the Front Cervical Vertebrae.

As so defined, *Nokita's "display area"* is indeed unchanged and visually unobstructed, when switching between the manual mode [Fig. 8C] and the programmed mode [Figs. 8AB] -- because *Nokita's* parameter modification window [in Fig. 8C] does not overlap the "display area."

The Applicant contends, *"The aforementioned parameters 835 shown in Figures 8A and 8B are shown in Figure 8C at a different location, which is approximately in the center of the foreground window. If the window were resized according to the Examiner's suggestion, the set of parameters would be shown twice. Since it would be redundant to show the parameters a second time, this would not be a modification that a person of ordinary skill in the art would consider reasonable. Moreover, such a redundant display of the parameters would be confusing and detract from the user-friendliness of the display. A user does not expect information to be shown twice without any logical reason. Moreover, the user would not expect a background window to provide relevant information, because the user knows that the size of display windows is changeable, and is therefore unlikely to pay much attention or attach importance to information shown in the background window. In addition to the redundancy, these factors would dissuade a person of ordinary skill in the art from undertaking the type of resizing proposed by the Examiner"* (see Page 6). However, the examiner respectfully disagrees.

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Firstly, **Nokita** clearly illustrates the "72kV tube voltage" value being displayed twice simultaneously in Figure 8C. Therefore, the Applicant's contention that it is unheard of (and/or undesired) in the field of graphical user interfaces to display the same value more than once is not particularly persuasive.

The examiner respectfully disputes that it is redundant to display the preset original *tube voltage, tube current, exposure time, and focal length* values alongside the settable *tube voltage, tube current, exposure time, and focal length* values in **Nokita's** parameter modification window. Doing so would allow the user to easily see and remember what the preset original *tube voltage, tube current, exposure time, and focal length* values were/are.

The Applicant has provided no evidence that providing the same value twice on a display screen is "*confusing*" and "*detract[s] from the user-friendliness of the display.*"

The examiner respectfully submits that car drivers are not generally "*confused*" by the sight of two 55MPH speed limit signs positioned on opposite sides of a highway.

If anything, displaying duplicate values is an excellent way of gaining the user's attention, emphasizing information, and preventing confusion.

The Applicant contends, "*Additionally, resizing of the foreground window would cause additional information from the background window to be displayed that does not have significance in the current mode. This is because windows generally assume an oblong shape,*

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and a resizing such that the entirety of the parameters 835 are still visible in the mode of Figure 8C would unavoidably result in additional information being shown from the background window that are not useful or needed in the current mode, and this would further detract from the user-friendliness. Those of ordinary skill in the field of designing computer displays operate on the premise that only relevant information should be shown at any given time. If the resizing were to reduce the height of the window, a setting key field (at the right side of Figures 8A and 8B) may even be visible in the mode of Figure 8C. This is also counter to the basis of the subject matter disclosed and claimed in the present application, which is for the purpose of providing a visually clear separation between setting keys and selection keys" (see Pages 6-7). However, the examiner respectfully disagrees.

The examiner respectfully disputes the Applicant's contention (again, made without supporting evidence) that background window information is irrelevant and without significance to the user.

A person is benefited by having access to as much information as possible, in order to make informed decisions.

Resizing **Nokita's** parameter modification window to render more "background" display area [Figs. 8ABC; 825, 830, 835, 875] visible would reward the user with a wealth of device relevant information, increasing the user-friendliness, usefulness, and educational capabilities of the device.

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In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *providing a visually clear separation between setting keys and selection keys*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Applicant contends, "*For these reasons, Applicants respectfully submit that the resizing proposed by the Examiner has occurred to the Examiner only as a way to 'force' the Nokita / Lemelson et al. combination to allegedly conform to the subject matter of claim 10. It is not a practical or reasonable modification that would be considered by a person of ordinary skill in the art*" (see Pages 6-7). However, the examiner respectfully disagrees.

The examiner respectfully disputes that it would not be "*practical or reasonable*" for an artisan to want to resize a pop-up window. Resizing windows affords an individual the rewarding opportunity of exerting a reassuring degree of personal control over an otherwise largely unpredictable and chaotic world.

Moreover, it would have been obvious to one of ordinary skill in the art at the time of invention because all the claimed elements were known in the prior art and one skilled in the art could have combined **Lemelson's** resizing/moving window technique with **Nokita's** parameter modification window by known methods with no change in their respective functions, and the

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combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

See KSR International Co. v. Teleflex Inc., et al., Docket No. 04-1350 (U.S. 30 April 2007).

The Applicant contends, *"Taking the above arguments into consideration, it was agreed in the telephone interview that amending independent claim 10 to indicate that the value displayed in the display area, when switching between the manual mode and the programmed mode, is displayed only once and only at one location, i.e., in the display area. It was agreed in the telephone interview that even with the resizing proposed by the Examiner in order to modify the operation of the Nokita reference, the respective values would be displayed twice, and at two different locations. It was agreed that if this change was made in claim 1, the current formulation of the rejection based on Nokita in view of Lemelson et al would not be maintained"* (see Page 7). However, the examiner respectfully disagrees.

No agreement was reached during the interview on specific claim language overcoming the cited art of reference.

By such reasoning, rejection of the claims is deemed necessary, proper, and thereby maintained at this time.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFF PIZIALI whose telephone number is (571)272-7678. The examiner can normally be reached on Monday - Friday (6:30AM - 3PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chanh Nguyen can be reached on (571) 272-7772. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeff Piziali/
Primary Examiner, Art Unit 2629
23 September 2009